

DENNIS D. MILLER (SBN 138669)
EUGENE CHANG (SBN 209568)
STEIN & LUBIN LLP
600 Montgomery Street, 14th Floor
San Francisco, CA 94111
Telephone: (415) 981-0550
Facsimile: (415) 981-4343
dmiller@steinlubin.com
echang@steinlubin.com

Attorneys for Defendants
DAVID J. KILLIAN, ANTHONY M. MAROTTA,
and ROSA COURT, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VINCENT KAMYAR VAGHAR,

Plaintiff,

v.

DAVID J. KILLIAN; ANTHONY M.
MAROTTA; and ROSA COURT, LLC, a
New Jersey limited liability company,

Defendants.

Case No. C 07 4083 MMC

**[PROPOSED] ORDER GRANTING
DEFENDANTS DAVID J. KILLIAN'S,
ANTHONY M. MAROTTA'S, AND ROSA
COURT, LLC'S MOTION TO DISMISS
SECOND AMENDED COMPLAINT OF
PLAINTIFF VINCENT KAMYAR
VAGHAR OR, IN THE ALTERNATIVE,
TO TRANSFER VENUE**

Date: November 16, 2007
Time: 9:00 a.m.
Courtroom: 7
Judge: Honorable Maxine M. Chesney

On November 16, 2007, at 9:00 a.m., the Motion To Dismiss the Second Amended Complaint of Plaintiff Vincent Kamyar Vaghar or, in the Alternative, to Transfer Venue (the "Motion") of Defendants David J. Killian, Anthony M. Marotta, and Rosa Court, LLC ("Defendants") came on regularly for hearing in the above-named Court, the Honorable Maxine M. Chesney, presiding. All appearances were stated on the record. After consideration of the pleadings, briefs and arguments of counsel, IT IS HEREBY ORDERED as follows:

The Court finds that Plaintiff has failed to meet his burden of establishing that this

1 Court has personal jurisdiction over Defendants. None of the Defendants reside in California and
2 all of the events giving rise to Plaintiff's claims occurred in Pennsylvania. For the same reasons,
3 the Court also finds that this action was filed in the wrong venue. Accordingly, IT IS HEREBY
4 ORDERED that Defendants' Motion is GRANTED and the Second Amended Complaint is
5 dismissed without prejudice.

6 **IT IS SO ORDERED.**

7
8 Dated: _____

The Honorable Maxine M. Chesney
United States District Judge